

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON**

UNITED STATE OF AMERICA, : :

Plaintiff, : Case No. 3:07cr00086  
vs. : Case No. 3:10cv00298

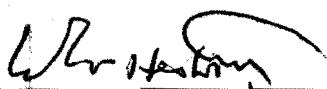
ANGEL ROJAS, aka MARTIN, : District Judge Walter Herbert Rice  
: Magistrate Judge Sharon L. Ovington

Defendant. : **DECISION AND ENTRY**

The Court has conducted a de novo review of the Report and Recommendations of United States Magistrate Judge Sharon L. Ovington (Doc. #105), to whom this case was originally referred pursuant to 28 U.S.C. §636(b), and noting that no objections have been filed thereto and that the time for filing such objections under Fed. R. Civ. P. 72(b) has expired, hereby **ADOPTS** said Report and Recommendations.

Accordingly, it is hereby **ORDERED** that:

1. The Report and Recommendations filed on January 7, 2011 (Doc. #105) is **ADOPTED** in full;
2. Petition for Writ of Audita Querela (Doc. #103) is **DISMISSED** without prejudice for failure to state a claim upon which relief may be granted. Because reasonable jurists would not disagree with this conclusion, Petitioner is denied leave to appeal in forma pauperis; and
3. These cases are terminated on the docket of this Court.

  
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Walter Herbert Rice

United States District Judge